

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CHARLES ISELEY,	:	Civil Action No. 1:04-CV-0861
	:	
Plaintiff	:	
	:	
v.	:	(Chief Judge Kane)
	:	
JOHN TALABER, et al.	:	
	:	
Defendants.	:	

ORDER

AND NOW, this 1st day of November, 2007, upon consideration of Plaintiff's motion to vacate judgment pursuant to Rule 60 of the Federal Rules of Civil Procedure (Doc. No. 120), it is hereby **ORDERED** that the motion (Doc. No. 120) is **DENIED** as untimely.¹

S/ Yvette Kane
Yvette Kane, Chief Judge
Middle District of Pennsylvania

¹ Under Rule 60, "[t]he motion [for relief from judgment or order] shall be made within a reasonable time, and for reasons (1), (2), and (3) not more than one year after the judgment, order, or proceeding was entered or taken." FED. R. CIV. P. 60(b). In the instant case, judgment was entered in favor of defendants on March 30, 2005. (Doc. No. 103.) Further, Plaintiff's motion for reconsideration was denied by the Court on March 31, 2006. (Doc. No. 115.) Plaintiff did not file his motion to vacate the judgment until October 9, 2007, over one year later.